

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

25.05.2004

Applicant's or agent's file reference
89

IMPORTANT NOTIFICATION

International application No.
PCT/CZ 03/00012

International filing date (day/month/year)
18.02.2003

Priority date (day/month/year)
25.02.2002

Applicant
VANEK, Jiri

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 89		FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/CZ 03/00012		International filing date (day/month/year) 18.02.2003	Priority date (day/month/year) 25.02.2002	
International Patent Classification (IPC) or both national classification and IPC F04B43/12				
Applicant VANEK, Jiri				
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p> <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>				
Date of submission of the demand 18.08.2003		Date of completion of this report 25.05.2004		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Ingelbrecht, P Telephone No. +31 70 340-2256 		

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CZ 03/00012**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-16 as published

Claims, Numbers

1-13 as published

Drawings, Sheets

1/6-6/6 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to it report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

- D1: DE 198 48 215 C (TALLY COMPUTERDRUCKER GMBH) 23 December 1999 (1999-12-23)
- D2: GB-A-1 023 193 (HERBERT GEORGE BURKS) 23 March 1966 (1966-03-23)
- D3: US-A-6 036 459 (ROBINSON REGINALD D) 14 March 2000 (2000-03-14)
- D4: US-A-5 340 290 (CLEMENS ANTON H) 23 August 1994 (1994-08-23)
- D5: US-A-4 586 882 (TSENG CHARLES C) 6 May 1986 (1986-05-06)

1.1 The document D6 was not cited in the international search report.

D6: EP 1 048 848 A1 (WATSON-MARLOW LTD) 02 November 2000 (2000-11-02)

2. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses a peristaltic rotation pump consisting of a pump segment placed on a working path, which is adjacent to an elevated circular supporting occlusal path and a rotor with pressure rollers, wherein the pump segment is extended along the working path and is adjacent within all its length to an elevated circular supporting occlusal path on which three pressure rollers roll, which are freely sliding mounted on a three-arm rotor, which is connected to a shaft of a step motor, wherein the supporting occlusal path is elevated in the direction to the rotor rotation centre above the working path consisting of a lead-in path, occlusal path and releasing path.

2.1 The subject-matter of claim 1 therefore differs from this known peristaltic pump in

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that:

- 2.1a both ends of the pump segment lean against a supporting (fixation) surface outside the working path
- 2.1b the working path is transversally grooved at the place of contact with the compressed pump segment
- 2.1c the pressure rollers are mounted with their outside surface in hollow slide mountings of the pressure blocks of the rotor arms.

2.2 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

3. Although the three features mentioned in paragraphs 2.1a,b and c are respectively known from documents D6, D4 and D3, none of these document discloses nor renders obvious the combination of these three features to obtain a precise linear dosing characteristic of the peristaltic pump.

3.1 The subject-matter of claim 1 therefore involves an inventive step (Article 33(3) PCT)

4. Claims 2-13 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

5. The peristaltic pump according to claims 1-13 is industrially applicable (Article 33(3) PCT).